
STATUTORY INSTRUMENTS

1999 No. 481

**The Waste Management Licences (Consultation
and Compensation) Regulations 1999**

Payment of compensation and determination of disputes

8.—(1) Compensation payable under section 35A in respect of an interest which is subject to a mortgage shall be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee and shall, in either case, be applied by him as if it were proceeds of sale.

(2) Amounts of compensation determined under these Regulations shall be payable—

- (a) where the holder of the licence and the grantor or mortgagee agree that a single payment is to be made on a specified date, on that date;
- (b) where the holder of the licence and the grantor or mortgagee agree that payment is to be made in instalments at different dates, on the date agreed as regards each instalment;
- (c) in any other case, subject to any direction of the Lands Tribunal, the Lands Tribunal for Scotland, or the court, as soon as reasonably practicable after the amount of the compensation has been finally determined.

(3) Any question of the application of regulation 7(3) or of disputed compensation shall be referred to and determined by the Lands Tribunal or, in Scotland, by the Lands Tribunal for Scotland.

(4) In relation to the determination of any such question—

- (a) in England and Wales, sections 2 and 4 of the 1961 Act (procedure on reference to the Lands Tribunal and costs) shall apply as if—
 - (i) the reference in section 2(1) of that Act to section 1 of that Act were a reference to paragraph (3) of this regulation, and
 - (ii) references in section 4 of that Act to the acquiring authority were references to the holder of the licence; and
- (b) in Scotland, sections 9 and 11 of the 1963 Act (procedures on reference to the Lands Tribunal and expenses) shall apply as if—
 - (i) the reference in section 9(1) of that Act to section 8 were a reference to paragraph (3) of this regulation; and
 - (ii) references in section 11 of that Act to the acquiring authority were references to the holder of the licence.